

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ARSELES DEVON MILLER,

Plaintiff,

v.

Case No. 8:19-cv-2420-T-33SPF

BARACK OBAMA and JACOB LEW,

Defendants.

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ORDER

This matter is before the Court upon consideration of United States Magistrate Judge Sean P. Flynn's Report and Recommendation (Doc. # 4), filed on October 18, 2019, recommending the denial of Plaintiff Arseles Devon Miller's motion for leave to proceed in forma pauperis (Doc. # 2), and the dismissal of the Complaint with prejudice. On November 21, 2019, Miller filed an Objection to the Report and Recommendation. (Doc. # 12).

The Court accepts and adopts the Report and Recommendation, overrules the Objection, denies the motion for leave to proceed in forma pauperis, and dismisses the Complaint with prejudice.

Discussion

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982). If a party files a timely and specific objection to a finding of fact by the magistrate judge, the district court must conduct a *de novo* review with respect to that factual issue. Stokes v. Singletary, 952 F.2d 1567, 1576 (11th Cir. 1992). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994).

Upon due consideration of the record, including Judge Flynn's Report and Recommendation as well as Miller's Objection thereto, the Court overrules the Objection and adopts the Report and Recommendation. The Court agrees with Judge Flynn's detailed and well-reasoned findings of fact and conclusions of law. The Report and Recommendation thoughtfully addresses the issues presented, and the

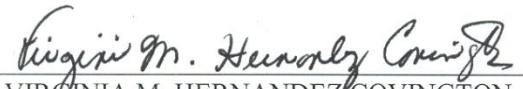
Objection does not provide a basis for rejecting the Report and Recommendation.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 4) is **ACCEPTED** and **ADOPTED**.
- (2) Arseles Devon Miller's motion for leave to proceed in forma pauperis (Doc. # 2) is **DENIED**.
- (3) The Complaint (Doc. # 1) is **DISMISSED WITH PREJUDICE**.
- (4) The Clerk is directed to **CLOSE THE CASE**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 25th day of November, 2019.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE